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REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Claims 1-2, 4-6, 8-11, 13-18, 20-22, 24, and 26-31 have been amended and claims 3 and 23 have been cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-2, 5-7, 9, 21-22, 24-25, 27, and 30 Under 35 U.S.C. §102(e)

Claims 1-2, 5-7, 9, 21-22, 24-25, 27, and 30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hammack *et al.* (US 6,449,624 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Hammack *et al.* does not teach or suggest each and every limitation of applicants' claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Independent claims 1 and 21, have been amended to specify the limitation of *ladder logic* control program. As conceded by the Examiner in the Office Action, Hammack *et al.* does not teach that the first and second control programs are *ladder logic* programs. The Examiner cites Schutzl *et al.* (US 5,812,133 A) in an attempt to cure this deficiency. However, Schutzl *et al.* is not citable prior art with respect to the present application. The following is a quotation of 35 U.S.C. §103(c) which forms at least one basis for withdrawal of all rejections in this Office action:

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the

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invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of Schutlz *et al.* and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to Rockwell Automation (Allen-Bradley Co, Inc.) Therefore, Schutlz *et al.* is not a citable reference with respect to the subject application.

With respect to claims 2 and 22, the subject claims recite insertions, deletions, modifications, and *moves* of individual instructions. Hammack *et al.* fails to describe *moved* instructions. Hammack *et al* only describes instructions that have been deleted, inserted, or modified.

Claims 6 and 25 describe generating a *plurality* of comparison scenarios from the set of differences to provide a *plurality* of comparison set views. The applicants' claimed invention is capable of generating multiple comparison scenarios based upon the set of differences between the two control programs. Hammack *et al.* describes generating a *single* comparison scenario which can be displayed in two textually or graphically. Both the textual and graphical display is of the same scenario. Hammack *et al.* further describes "providing the user with an option of *only displaying* substantive differences, such that cosmetic differences are *not displayed*". Contrary to the Examiner's assertions, this is simply a *display filtering* mechanism for the *single* comparison scenario that is generated.

Claim 7, which depends from claim 6, describes a decision model that determines the optimal view from the scenarios represented by comparison set views. As discussed *supra* regarding claim 6, Hammack *et al.* does not generate *multiple* comparison scenarios or comparison set views.

Independent claim 30 recites similar limitations as discussed *supra* with respect to claims 1, 6 and 7. Accordingly, the noted deficiencies of Hammack *et al.* apply to this claim as well.

In view of at least the above, it is respectfully submitted that Hammack *et al.* does not teach or suggest applicants' claimed invention as recited in independent claims 1, 21, and 30 (and claims 2, 5-7, 9, 22, 24-25, and 27 which respectively depend there from). Accordingly, withdrawal of this rejection is respectfully requested.

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**II. Rejection of Claims 3-4, and 23 Under 35 U.S.C. §103(a)**

Claims 3-4, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in further view of Schultz *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claims 3 and 23 have been cancelled. Regarding claim 4, Hammack *et al.* does not teach or suggest each and every limitation of applicants' claimed invention and Schultz *et al.* is not citable prior art as discussed *supra*. Accordingly, withdrawal of this rejection is respectfully requested.

**III. Rejection of Claims 10, 12, 28, and 31 Under 35 U.S.C. §103(a)**

Claims 10, 12, 28, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in view of Microsoft Notepad ("MS Notepad," pages 1-2). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Hammack *et al.* nor Microsoft Notepad teach or suggest each and every limitation of applicants' claimed invention.

In regards to claims 10, 28, and 31, it is conceded in the Office Action that Hammack *et al.* does not disclose a recursion tool to provide wrapping of a *graphical* view of the control program. Furthermore, Microsoft Notepad simply provides wrapping a text. Microsoft Notepad is not capable and does not teach wrapping of a *graphical view* of instructions.

In view of at least the above, it is respectfully submitted that the combination of Hammack *et al.* and Microsoft Notepad do not make obvious the subject invention as recited in claims 10 (and 12 dependent there from), and claims 28 and 31. Accordingly, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 11 and 29 Under 35 U.S.C. §103(a)**

Claims 11 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in view of Microsoft Notepad as applied to claims 10 and 28, and further in view of Microsoft Word ("MS Word," pages 1-2). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither

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Hammack *et al.*, Microsoft Notepad, nor Microsoft Word teach or suggest each and every limitation of applicants' claimed invention.

Claims 11 and 29 depend from claims 10 and 28 respectively. Microsoft Word does not cure the deficiency described *supra* for claims 10 and 28 regarding wrapping of graphical instructions. Accordingly, withdrawal of this rejection is respectfully requested.

**V. Rejection of Claim 13 Under 35 U.S.C. §103(a)**

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in view of Microsoft Notepad as applied to claim 10, and further in view of SnagIt Version 5.0 ("SnagIt"). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Hammack *et al.*, Microsoft Notepad, nor SnagIt teach or suggest each and every limitation of applicants' claimed invention.

Claim 13 has been amended to include the limitation *all or a portion* of the first and second control programs. SnagIt is simply a screen capture utility that is only capable of printing the portion of the first and second control programs that is currently displayed on the screen. Applicants' invention is capable of providing a printout of the graphical view of *all* or a portion of the first and second control programs. Accordingly, withdrawal of this rejection is respectfully requested.

**VI. Rejection of Claims 14 and 15 Under 35 U.S.C. §103(a)**

Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in view of Schultz *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Hammack *et al.* does not teach or suggest each and every limitation of applicants' claimed invention and Schultz *et al.* is not citable prior art with respect to the present application as discussed *supra*.

Independent claim 14 recites similar limitations as noted above with respect to claims 6, 7, and 25. Accordingly, the aforementioned deficiencies of Hammack *et al.* apply to this claim as well. Likewise, claim 15 recites similar limitations as noted above

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with respect to claims 2 and 22. Accordingly, the aforementioned deficiencies of Hammack *et al.* apply to this claim as well. This rejection should be withdrawn.

**VII. Rejection of Claims 17 and 19 Under 35 U.S.C. §103(a)**

Claims 17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in view of Schultz *et al.* as applied to claim 14, and further in view of Microsoft Notepad. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Hammack *et al.* nor Microsoft Notepad teach or suggest each and every limitation of applicants' claimed invention and Schultz *et al.* is not citable prior art with respect to the present application as discussed *supra*.

Claim 17 recites similar limitations as noted above with respect to claims 10, 28, and 31. Accordingly, the aforementioned deficiencies of Hammack *et al.* and Microsoft Notepad apply to this claim as well.

In view of at least the above, it is respectfully submitted that the combination of Hammack *et al.* and Microsoft Notepad do not make obvious the subject invention as recited in claim 17 (and 19 dependent there from). Accordingly, withdrawal of this rejection is respectfully requested.

**VIII. Rejection of Claim 18 Under 35 U.S.C. §103(a)**

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in view of Schultz *et al.* further in view of Microsoft Notepad as applied to claim 17, and further in view of Microsoft Word. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Hammack *et al.*, Microsoft Notepad, nor Microsoft Word teach or suggest each and every limitation of applicants' claimed invention and Schultz *et al.* is not citable prior art with respect to the present application as discussed *supra*.

Claim 18 recites similar limitations as noted above with respect to claims 11 and 29. Accordingly, the aforementioned deficiencies of Hammack *et al.*, Microsoft Notepad, and Microsoft Word apply to this claim as well.

This rejection should be withdrawn.

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**IX. Rejection of Claim 20 Under 35 U.S.C. §103(a)**

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hammack *et al.* in view of Schultz *et al.* further in view of Microsoft Notepad as applied to claim 17, and further in view of SnagIt Version 5.0. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Hammack *et al.*, Microsoft Notepad, nor SnagIt teach or suggest each and every limitation of applicants' claimed invention and Schultz *et al.* is not citable prior art with respect to the present application as discussed *supra*.

Claim 20 recites similar limitations as as noted above with respect to claim 13. Accordingly, the aforementioned deficiencies of Hammack *et al.*, Microsoft Notepad, and SnagIt apply to this claim as well.

This rejection should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,  
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